



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 22, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0403

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that on August 28, 2021, a call was placed with 911 regarding an ongoing disturbance, but that prior to responding to the call, Named Employee #1 (NE#1) and Named Employee #2 (NE#2) stopped at a nearby Starbucks to purchase coffee. It was further alleged that the Named Employees responded to the call with their coffees in hand, then rudely told a witness to leave the scene.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

All relevant portions of the Named Employees' response were captured on Body-Worn Video (BWV). Accordingly, the relevant facts are not in credible dispute.

On August 28, 2021, two calls came into 911 pertaining to a disturbance in the 600 block of South Michigan Street, both of which were recorded on CAD. The first call involved a disturbance at a Starbucks at 601 South Michigan, came in at approximately 2:58 PM, with NE#1 and NE#2 being dispatched to the call at 2:59 PM. The call was updated at 3:04 PM to indicate that the suspect had exited and moved over to the Shell Food Mart across the street. At approximately 3:05 PM a separate call came in to 911, reporting that a male was refusing to leave the Shell station at 600 South Michigan.



By 3:19 PM NE#1 and NE#2 had arrived at the Starbucks, the original scene of the incident. Once there, Starbucks staff advised the Named Employees that the suspect had moved over to the nearby Shell station. Upon receipt of this information, NE#1 and NE#2 exited the Starbucks without engaging in any form of commercial transaction, then headed across the street to the Shell station. Once there, they encountered a bystander who advised the Named Employees that he was going to leave the station if they were okay. In response, NE#2 advised the bystander that they were "good" and that the bystander could leave. The bystander then thanked the Named Employees and left the station.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

The Complainant alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (Id.) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (Id.)

This web-based complaint came to OPA with no name or contact information, precluding OPA from reaching out to the Complainant and verifying the details of their complaint. Without being able to contact the Complainant, OPA was obligated to assess this complaint on its face, namely that the Named Employees stopped at Starbucks before responding to a call, walked over to the incident location with coffees, and then rudely told a witness to leave.

While OPA determined that the Named Employees stopped at Starbucks prior to responding to the Shell station, they had been dispatched to the Starbucks for an earlier, related call. After learning from Starbucks staff that the incident had moved to the Shell station, the Named Employees walked over to the Shell station without coffees, contradicting the complaint. BWV shows the bystander asking the Named Employees if he could leave, which they stated would be fine, again contradicting the complaint.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 - Allegation #1

For the same reasons as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded (Expedited)**